

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

INTEROCEAN COAL SALES, LDC,

Plaintiff,

v.

EVONIK TRADING, GmbH, et al.,

Defendants.

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #: 6/24/2011
DATE FILED: 6/24/2011

Case No.: 11 Civ. 0940 (NRE)

STIPULATION

WHEREAS on February 14, 2011, Plaintiff Interocean Coal Sales, LDC ("Plaintiff") filed its Complaint in this matter.

WHEREAS on May 16, 2011, Defendant Evonik Trading/GmbH ("Evonik Trading") filed its Answer and Counterclaim against Plaintiff.

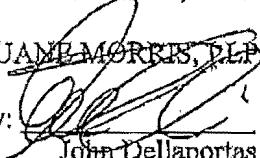
WHEREAS, pursuant to a previously executed stipulation between the parties extending Plaintiff's time to respond to Evonik Trading's Counterclaim, Plaintiff is required to respond to Evonik Trading's Counterclaim by June 23, 2011.

WHEREAS Plaintiff requested, and Evonik Trading consented to, the extension of time because all parties have entered settlement discussions, have exchanged settlement drafts, and hope to have settlement documents regarding Evonik Trading's Counterclaim and some of its affirmative defenses executed within 30 days.

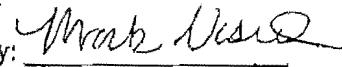
NOW THEREFORE, Plaintiff, Evonik Trading, through undersigned counsel and in furtherance of their settlement discussions, hereby stipulate and agree as follows:

1. Evonik Trading has consented to Plaintiff's request to extend its time to respond to the Counterclaim by thirty (30) days, up to and including July 23, 2011.

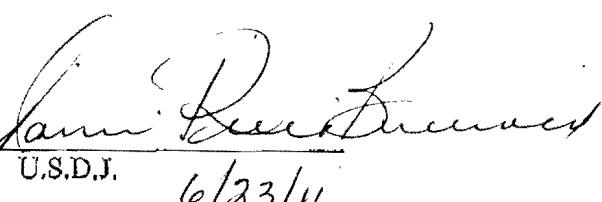
Dated: June 23, 2011
New York, New York


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So Ordered:


U.S.D.J.

6/23/11